CORRESPONDENCE.

We have received four answers to the question propounded in our last number, *ante*, pp. 747-8, under our Statute of Descents. Mr. Landon C. Bell, of Wilburn, Virginia, writes as follows:

"Upon Mrs. M's death William and Rachel each take one half interest. On William's side of the house, *i. e.*, as to the part originally taken by William; this upon the death of all the rest devolves upon Geo. S. There can be no question as to that.

"Now if Rachel died before Mary, Mary would get her part (*i. e.*, Rachel's part, the one-half of the tract originally descended from Mrs. M., since Mary is the daughter of Rachel's brother William. Therefore (1), in the event that Rachel died in 1865, Geo. S. would get the whole tract.

"But if Mary died first—if Rachel did not die until 1885, then upon Rachel's death one moiety would go to the paternal and one to the maternal side, for Geo. S. does not fall within the description of the designated persons:—mother, brother, sister or any descendant of 'either.' He is the son of the wife of William, Rachel's deceased brother, by a man, by supposition no kin to Rachel.

"(2) In the event, therefore, of Rachel's dying after Mary (in 1885) *Geo. S. would get nothing from Rachel*, but it would go to the maternal and paternal kindred in the course prescribed by the statute."

Mr. J. W. H. Pilson, of Staunton, Virginia, says: "*On the Supposition that Rachel's Death Occurred in 1885.* At the death of Mrs. M., her interest in the tract would, of course, descend to her two children, William and Rachel. William one-half and Rachel one-half.

"At the death of William, his daughter *en ventre sa mere*, Mary, would get his one-half interest in the tract. Mary one-half and Rachel one-half.

"At Mary's death, her interest in the tract would go to her mother and half-brother, George S. Mrs. S. two-thirds of one-half or two-sixths and George S. one-third of one-half or one-sixth.

"At Mrs. S's death, her property would go to her son, George S. George S. one-half and Rachel one-half.

"At Rachel's death her half interest would be divided into two halves, one going to the maternal and one to the paternal side in the following order: first, to the grandfather, etc., etc.

"Thus George S. *would inherit a one-half interest in* the tract of land under the supposition that Rachel dies in the year 1885. As to the other half interest the facts of the case are not stated fully enough to show to whom of the more remote relations the remaining half interest would descend.

"*On the Supposition that Rachel's Death Occurred in 1865.* At the death of Mrs. M., her tract of land would, of course, descend to her two children, William and Rachel. William one-half and Rachel one-half.

"At the death of William, his daughter *en ventre sa mere*, Mary, would get his one-half interest in the tract. Mary one-half and Rachel one-half.

"At Rachel's death, her one-half interest would go to her mother, brothers and sisters and their descendants. Therefore, Mary would get Rachel's one-half. Mary, therefore, owns the whole tract.

"At Mary's death, her mother (now Mrs. S.) would get the whole tract. Mrs. S. owns the whole tract.

"At the death of Mrs. S., Geo. S. would get the entire tract.

"Thus on the supposition that Rachel died in 1865, George S. would acquire the entire tract.

A well-known professor in one of the law-schools of this state, writes:

"If I understand correctly the case arising under the statute of descents, it amounts to this: That William owned one-half of the property and Rachel the other half. William died leaving a widow and one daughter, Mary, upon whom William's interest descended, subject of course to the rights of the widow. The widow having died, Mary owned one-half interest and Rachel, if alive, owned the other half.

"If Rachel died in 1866, before Mary, inasmuch as she had neither father, mother, brother nor sister, but did have the descendant of a brother, to-wit, a niece, Mary, then Mary took the whole of the share of Rachel. She is within the very language of clause 3 of section 2548 of the Code. *If Rachel died after Mary*, then she had neither father, mother, brother nor sister, nor the descendant of either, and one-half of her property went to her maternal and the other half to her paternal kindred. *George S.*, the half brother of Mary, was in no manner kin to Rachel and consequently could never inherit from her, *and no part of her estate could under these circumstances ever go to him.* This fully disposes of Rachel. To sum up as to Rachel: Either the whole of her estate went to Mary, or one-half went to Rachel's paternal and the other half to her maternal kindred, the question being determined by the date of her death.

"Now as to Mary: Under one of the states of facts above given, Mary owned the whole land (subject of course to her mother's dower interest in one-half) and under the other she owned only one-half of the land subject to dower as aforesaid, but whatever her estate was, upon her death two-thirds went to her mother and one-third to her half brother. (See *Garland* v. *Harrison*, 8 Leigh, 368, and Code, section 2549), and upon the death of the mother, this two-thirds of hers descended to her son, George S., so that George S. obtained one-third by inheritance from his sister and the other two-thirds by inheritance from his mother, and thereby George S. acquired the whole of whatever Mary had, so that in substance if Mary owned the whole tract then George S. owns the whole; if Mary owned only one-half of the tract, then George S. owns only one-half."

Another law-school expert wrote us, but we have unfortunately mislaid his letter. The result of this symposium is an agreement as to the effect of Rachel's death in the lifetime of her niece, Mary; but as to the effect of her death after Mary's, the court seems divided. Who *shall* decide when doctors disagree?